

Certificate of Notice Page 1 of 6
 United States Bankruptcy Court
 Eastern District of Pennsylvania

In re:
 Robert Christopher Schell
 Dawn Marie Schell
 Debtors

Case No. 19-16188-mdc
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2

User: Virginia
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Apr 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 08, 2020.

db/jdb +Robert Christopher Schell, Dawn Marie Schell, 1113 Margaret Drive,
 Coatesville, PA 19320-4722

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 08, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 6, 2020 at the address(es) listed below:

JAMES RANDOLPH WOOD on behalf of Creditor West Bradford Township jwood@portnoffonline.com,
 jwood@ecf.inforuptcy.com
 JASON BRETT SCHWARTZ on behalf of Creditor Capital One Auto Finance, a division of Capital
 One, N.A. jschwartz@mesterschwartz.com
 KEVIN G. MCDONALD on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com
 REBECCA ANN SOLARZ on behalf of Creditor Global Lending Services LLC bkgroup@kmlawgroup.com
 REBECCA ANN SOLARZ on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com
 STANLEY E. LUONGO, JR. on behalf of Debtor Robert Christopher Schell
 stan.luongo@luongobellwoar.com, nicole.werner@luongobellwoar.com
 STANLEY E. LUONGO, JR. on behalf of Joint Debtor Dawn Marie Schell
 stan.luongo@luongobellwoar.com, nicole.werner@luongobellwoar.com
 United States Trustee USTPRegion03.PH.ECF@usdoj.gov
 WILLIAM C. MILLER, Esq. ecfemails@phl3trustee.com, philaecf@gmail.com
 WILLIAM C. MILLER, Esq. on behalf of Trustee WILLIAM C. MILLER, Esq. ecfemails@phl3trustee.com,
 philaecf@gmail.com

TOTAL: 10

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAWN MARIE SCHELL, and
ROBERT CHRISTOPHER SCHELL
Debtors

: Chapter 13
: Case No. 19-16188-mdc
: Consent Order Settling
: Capital One Auto Finance,
: a division of Capital One, N.A.'s
: Motion For Relief From The Automatic
: Stay Pursuant To 11 U.S.C. § 362

AND NOW, this 6th day of April, 2020, this matter having come before this Court upon application of Capital One Auto Finance, a division of Capital One, N.A. (hereinafter referred to as "COAF"), a secured creditor of the above-named Debtor, by its counsel, for relief from the automatic stays pursuant to 11 U.S.C. § 362;

AND it appearing that Debtors, *Dawn Marie Schell and Robert Christopher Schell*, through Debtor's attorney, *Stanley E. Luongo, Jr., Esquire*, have reached an agreement with regard to said Motion for Relief regarding a 2017 JEEP Renegade Utility 4D Latitude 4WD, V.I.N. ZACCJBBB6HPF43766 (the "Vehicle"), as per the terms contained in this Order;

AND, it appearing that Debtors are indebted to COAF on a loan which enabled Debtors to purchase said Vehicle, which loan terms are set forth in a Retail Installment Contract (the "Contract"); and

It appearing that COAF is the holder of a secured claim against the Debtors and;

It appearing that the Debtors are in arrears post-petition in the amount of \$3,094.75 (\$2,788.75 in missed payments, plus \$306.00 in attorney's fees and costs) as of February 17, 2020;

It appearing that the Debtors and COAF have reached an agreement to cure post-petition arrears and attorney's fees and costs, the Debtors agree to pay \$515.80 monthly beginning March 16, 2020 for the next six (6) months (with payments due on the sixteenth of each month) to cure said arrears, while making regular monthly post-petition payments (\$557.75 per the Contract) due under the Contract beginning with the March 16, 2020 payment for a total monthly payment from March 16, 2020 through August 16, 2020 of \$1,073.55, wherefore,

It is hereby ORDERED and DECREED that if Debtors shall fail to make the regular monthly payment (or any portion thereof) or fail to make payment toward the curing of the arrears

as set forth above and Debtors fail to cure said default within ten (10) days after notice by *COAF* (or its counsel) of said default, counsel for *COAF* may file a Certification of Default with the Court setting forth Debtors' default and *COAF* shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362), and *COAF* is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law. The Debtors shall be allowed to default and cure such default under this Consent Order one (1) time. Should Debtors default a second (2nd) time, notice of the default will be served, but the Debtors will not be granted an opportunity to cure the default and counsel for *COAF* may file a Certification of Default with the Court setting forth Debtors' default and *COAF* shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362).

It is **FURTHER ORDERED** and **DECREED** that in the event Debtors convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code then Debtors shall pay all pre-petition arrears and post-petition arrears within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtors fail to make payment in accordance with this paragraph then *COAF*, through Counsel, may file a certification setting forth said failure and *COAF* shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362) and *COAF* is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law.

The failure by *COAF*, at any time, to file a Certification of Default upon default by the Debtors shall not be construed, nor shall such failure act, as a waiver of any of *COAF*'s rights hereunder.

This Order is a supplement and in addition to the Contract and not in lieu thereof.

Facsimile signatures shall be accorded the same force and effect as an original signature, and may be submitted to the Court.

It is further Ordered that the fourteen (14) day stay provided by Rule 4001(a)(3) is hereby waived.

BY THE COURT:



Magdeline D. Coleman
CHIEF U.S. BANKRUPTCY JUDGE

Post-Petition Arrears: \$ 2,788.75
Counsel Fees: \$ 306.00
Total: \$ 3,094.75

Creditor: Capital One Auto Finance,
a division of Capital One, N.A.
By Counsel: Mester & Schwartz, P.C.

By: 

Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1917 Brown Street
Philadelphia, PA 19130
(267) 909-9036

DATED: 3/30/20

Seen and agreed to -- We hereby consent to the form and entry of the foregoing Order.

Debtors: Dawn Marie Schell and Robert Christopher Schell
By Counsel for Debtors: Stanley E. Luongo, Jr., Esquire

By: 

Stanley E. Luongo, Jr., Esquire
Luongo Bellwoar LLP
126 West Miner Street
West Chester, PA 19382
(610) 430-6600

DATED: March 27, 2020

Chapter 13 Trustee:

By: s/ LeeAne O. Huggins No Objection 4/3/2020
William C. Miller, Esq.
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105
(215) 627-1377

Please send copies to:

Dawn Marie Schell
Robert Christopher Schell
1113 Margaret Drive
Coatesville, PA 19320

Stanley E. Luongo, Jr.
Luongo Bellwoar LLP
126 West Miner Street
West Chester, PA 19382

William C. Miller, Trustee
P.O. Box 1229
Philadelphia, PA 19105

Office of the U.S. Trustee
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1917 Brown Street
Philadelphia, PA 19130